

December 3, 2003 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0136

Continuously Applied Surfaces Corp. and Patricia Patton

Matoaca Magisterial District
14100 Cedar Creek Road

REQUEST: A 3.3 foot Variance to the forty (40) foot side yard setback requirement for an existing dwelling.

RECOMMENDATION

Recommend approval of this Variance for the following reasons:

- A. Variance will not impair the character of this residential district.
- B. Variance will not reduce or impair the value of the buildings or property in the surrounding areas.

CONDITION

This Variance will be for the existing dwelling only.

GENERAL INFORMATION

Location:

This property is known as 14100 Cedar Creek Road. Tax ID 700-636-3648 (Sheet 30).

Existing Zoning:

A

Size:

3.4 acres

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - A; Vacant
South - A; Vacant
East - A; Residential
West - A; Vacant

Utilities:

Private well and septic system

Transportation:

This request should have no impact on the traffic pattern in the area.

General Plan:

(Southern and Western Area Plan)

Rural conservation use

DISCUSSION

The applicant has indicated the existing dwelling is located 36.7 feet from the side property line. The Zoning Ordinance requires a forty (40) foot side yard setback in an Agricultural (A) District. Therefore, the applicant requests a 3.3 foot Variance. (see attached plat)

The applicant provides the following justification in support of this request:

I had applied for a building permit to add a garage and the setback violation was discovered on the existing dwelling. The permit was applied for the forty (40) foot setback, however the house had been located on the property in a central location so that a garage could be added at a later date. Upon choosing the location I went by the plats and paper work left over from a previous superintendent that didn't have the forty (40) foot setback. Other papers showed a fifteen (15) foot setback causing us to place the house at 36.7 foot to center the home on the lot.


The applicant discovered the dwelling was built too close to the side property line when he attempted to obtain a building permit for a garage.

On August 28, 2003, the applicant applied for an Administrative Variance. This request was for a 3.3 foot Variance to the forty (40) foot side yard setback requirement for an existing dwelling. On October 1, 2003, an adjacent property owner sent a written letter of opposition to the Planning Department before the Director of Planning had rendered his decision on the Variance request. Section 19-23 (f) of the Zoning Ordinance stipulates that "If any adjacent property owner objects to the application, in writing, prior to the date the Director of Planning renders the decision on the application, the application shall be transferred to the Board of Zoning Appeals for a decision." Therefore, the request was placed on the Board of Zoning Appeals' December 3, 2003, docket.


Staff visited the site and observed an existing dwelling on the subject property. Staff believes it would create a hardship for the applicant to have the dwelling or part of the dwelling removed. Further, staff believes this Variance will not reduce or impair the value of the dwellings or property in the immediate or surrounding area; therefore, staff recommends that this request be approved.

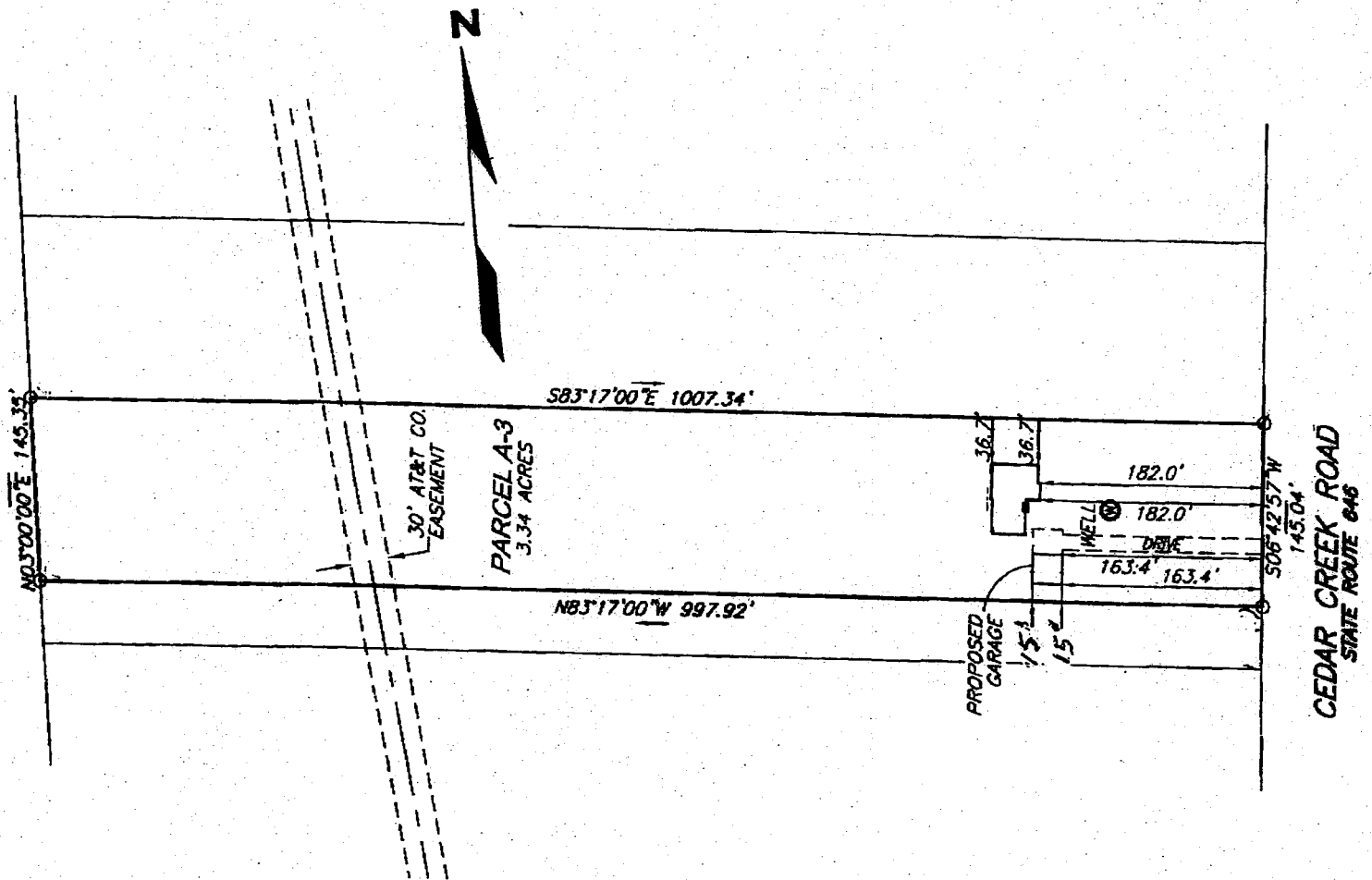


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VARIANCE
SH 30



600 0 600 Feet





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